

APPEAL NO. 031252
FILED JULY 3, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 24, 2003. The hearing officer resolved the sole disputed issue by deciding that the respondent's (claimant) injuries to his teeth are a result of his _____, compensable injury. The appellant (carrier) appealed on sufficiency of the evidence grounds. The claimant responded urging affirmance.

DECISION

Affirmed.

This case centers on the question of whether the claimant's injuries to his teeth "naturally resulted" or naturally arose from the _____, compensable cervical spine injury. A follow-on injury may itself be compensable if it is the natural result of the original compensable injury. Maryland Casualty Co. v. Sosa, 425 S.W.2d 871 (Tex. Civ. App.-San Antonio 1968, writ ref'd n.r.e. per curiam 432 S.W.2d 515). In determining whether the subsequent injury is one that naturally flowed from the compensable injury, it is important to consider whether there was a distinct, nonwork-related activity involved in the subsequent injury, whether a distinctly different body part was injured, the length of time between the injuries, whether there was only a degree of weakening or lowered resistance, and whether there was medical evidence to establish causation. Texas Workers' Compensation Commission Appeal No. 000594, decided May 8, 2000. This is generally a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 93672, decided September 16, 1993. The hearing officer was persuaded by the claimant's testimony and medical evidence that the claimant's compensable injury caused his altered gait, which in turned caused him to lose his balance or footing, and upon falling he knocked out or injured his teeth. The hearing officer could conclude that the claimant's altered gait is a natural result of his _____, compensable injury, and has resulted in numerous falls, and as a result of these falls, the claimant has injured his teeth.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLEY-GRAY, PRESIDENT
6907 CAPITOL OF TEXAS HIGHWAY NORTH
AUSTIN, TEXAS 78755.**

Veronica Lopez-Ruberto
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge